

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AKRAM MARSEET,

Plaintiff,

20-CV-7096-EAW

v.

ROCHESTER INSTITUTE OF TECHNOLOGY, et. al.

Defendants.

PROTECTIVE ORDER

WHEREAS a Decision and Order was entered in this case on July 15, 2022, ordering, *inter alia*, that Plaintiff Akram Marseet's then current and future filings in this case (hereinafter the "Sealed Filings") be placed under seal; and

WHEREAS on February 27, 2024, Akram Marseet was indicted on two counts of violating 18 U.S.C. § 115(a)(1)(B) in Criminal Case # 24-cr-6032-BKS (hereinafter the "Criminal Case"); and

WHEREAS the United States Attorney's Office and Mr. Marseet's attorney in the Criminal Case, John Morrissey, Assistant Federal Public Defender, have jointly requested access to all of the Sealed Filings in this civil case for review and possible use in connection with the prosecution and defense of Mr. Marseet in the Criminal Case, and

WHEREAS the United States Attorney's Office, without objection from the Mr. Marseet's counsel, has requested a Protective Order limiting access to the Sealed Filings in this civil case in order to protect and preserve the confidentiality of the information in such filings,

It is hereby ORDERED that:

1. To the extent that the Sealed Filings and information therein is disclosed, such Sealed Filings and information may only be used, disseminated, copied or disclosed as permitted in this Order.

2. None of the parties or counsel to this action shall use such Sealed Filings for any purpose other than related to the Criminal Case.

3. The Sealed Filings may only be disclosed to the counsel of record in the Criminal Case and employees of such counsel who are assisting said counsel in connection with the Criminal Case. Akram Marseet may review and inspect the Sealed Filings in the presence of his counsel, or employees of his counsel, but may not personally possess or retain any Sealed Filings.

4. Persons within the scope of subparagraph 3 must return all Sealed Filings to the United States Attorney's Office when such persons' participation in the Criminal Case is ended or their need to have such Sealed Filings ends, whichever comes first.

5. Counsel for the Mr. Marseet will be responsible for informing any person to whom the Sealed Filings are disseminated that such filings are confidential, that such may not be used in any manner except in the course of the Criminal Case and as permitted in this Order, and that such must be returned when the case is ended or their need to have such Sealed Filings ends, whichever comes first.

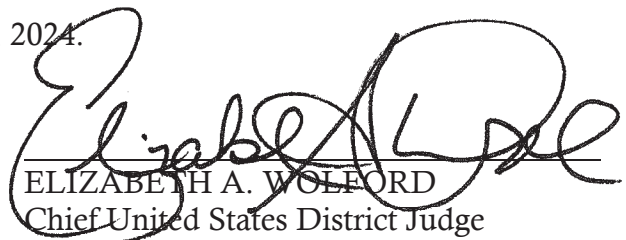
6. The parties shall confer between themselves concerning measures which should be taken during trial of the Criminal Case to satisfy the requirements of this Order consistent with the right of all parties to present all admissible evidence necessary for a

proper resolution of this case. Nothing herein shall be construed to affect in any way the admissibility of any document, testimony, or other evidence at trial of the Criminal Case.

9. In the event that any Sealed Filing is used in any court proceeding in the Criminal Case, it shall not lose its confidential status under this Order through such use, its use shall continue to be subject to the provisions of the Order that are not inconsistent with other orders by the Court in the Criminal Case regarding their use at trial, and the parties shall take all steps reasonably required to protect its confidentiality during such use.

10. Upon conclusion of the Criminal Case, including all appeals, the provisions hereof relating to the access and use of the Sealed Filings shall continue to be binding on all persons entitled to access under the terms of this Order, and counsel for Mr. Marseet in the Criminal Case shall deliver to the United States Attorney's Office all Sealed Filings whether in possession of counsel, or possession of any employees or persons retained by the defense to whom such Sealed Filings was provided; or, in the alternative counsel for defendant shall represent in writing to the United States Attorney's Office that all Sealed Filings and all copies thereof have been destroyed.

So Ordered this 21st day of March, 2024.



ELIZABETH A. WOLFORD
Chief United States District Judge